

be released under bond conditioned that it be relabeled under the supervision of the Department of Agriculture.

W. R. GREGG, *Acting Secretary of Agriculture.*

25781. Misbranding and alleged adulteration of whisky. U. S. v. 200 Cases of Whisky, et al. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 37110. Sample nos. 10193-B to 10196-B, incl.)

This case involved an interstate shipment of imitation whisky which was labeled "whiskey", certain lots of which were short in volume.

On January 24, 1936, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 cases, more or less, each containing half-pint bottles; 225 cases, more or less, each containing pint bottles; and 40 cases, more or less, each containing quart bottles; of a product labeled in part "Seaboard Whiskey, bottled by National Wholesale Liquor Co., Baltimore, Md., Ninety proof"; and 175 cases, more or less, each containing pint bottles, of a product labeled in part, "Royal Hunt Whiskey, bottled by National Wholesale Liquor Company, Baltimore, Md., eighty proof", at Fort Worth, Tex., shipped on or about December 14, 1935, alleging that the article had been shipped in interstate commerce by the National Wholesale Liquor Co., from Baltimore, Md., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that imitation whisky had been substituted for said article.

Misbranding was alleged for the reason that the name "whiskey" (on said labels) was false and misleading and tended to deceive and mislead the purchaser when applied to imitation whisky, and for the further reason that the product contained in said bottles and containers was an imitation of and offered for sale under the distinctive name of another article, namely, "Whiskey." Misbranding was also alleged, in case of food, in that the statements on the Internal Revenue seal, that is, "½ pint" and "1 pint", respectively, were false and misleading and tended to deceive and mislead the purchaser for the reason that said containers or bottles of said product contained less than one-half pint and 1 pint, respectively.

Misbranding was alleged for the further reason, in the case of food, in that said product was food in package form and that the quantity of contents of said package was not plainly and conspicuously marked on the outside of the package, there being in truth and in fact less of said product contained in such package or container than was marked on the label.

On or about March 23, 1936, the Union Bank & Trust Co., having a lien upon the article, and the Midwest Wholesale Drug Co., the consignee of said article, having appeared as claimants, and the case having come on for hearing before the court, judgment of condemnation was entered and the article was released under bond conditioned that it be relabeled so that the word "blended" should appear immediately above or immediately below the word "whiskey" in letters of equal size with those in the word "whiskey", and upon the further condition that a label be placed upon the back of said bottle bearing the statement that the product contained therein was manufactured according to "Formula 8", which should be set out in full as follows: "Cane spirits are reduced to proof, placed in processing tanks, treated with chips, ozone, and heated until they gather up all congenics of straight whiskey."

The court ordered the release of the article upon the further condition that labels should be placed on the pint and half-pint containers stating truly and correctly the fluid contents thereof.

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25782. Adulteration of confectionery. U. S. v. 99 Boxes of Szent Istvan Vedjegyu Gyongy Kaveszem. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 37112. Sample no. 30174-B.)

This confectionery contained alcohol.

On January 25, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 99 boxes of confectionery at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about November 14, 1935, by Steinbrucher Burgerliche Bierbrauerei & Sanct Stefan Nahrungsmittelwerke, from Budapest, Steinbruch,

Hungary, to New York, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Box) "Szent Istvan vedjegyu Gyongy Kaveszem Made in Hungary 0.90 dkg netto Kobanyal Polgari Serfozo es Szent Istvan Tapszermuvek R. T."

Adulteration of the article was charged under the allegation that it contained a spirituous liquor, namely, alcohol.

On February 17, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

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25783. Adulteration and misbranding of preserves. U. S. v. 21 Cases and 25 Cases of Assorted Alleged Preserves. Default decrees of condemnation and destruction. (F. D. nos. 87114, 87115. Sample nos. 40029-B, 40030-B, 40032-B, 40033-B, 40034-B, 51156-B to 51160-B, incl.)

These cases involved interstate shipments of assorted so-called preserves. The blackberry, strawberry, peach, grape and damson flavors were insufficiently concentrated and contained added pectin; the blackberry, strawberry, peach, pineapple, and raspberry flavors contained added acid; and the quantity of the contents of the packages of each of the several products was less than that represented on the labels.

On January 27, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court two libels, one praying seizure and condemnation of 21 cases; and the other, 25 cases of assorted so-called fruit preserves, at Baltimore, Md., alleging respectively that the articles had been shipped in interstate commerce on or about October 24 and November 30, 1935, by the Old Virginia Packing Co., from Front Royal, Va., and that they were adulterated and misbranded in violation of the Food and Drugs Act.

The articles in the 21-case lot were labeled: "'Queen's Taste' Brand Fancy Pure Preserves Peach [or 'Grape', 'Damson', 'Blackberry', or 'Strawberry'] Net Wt. 1 Lb. Packed for Frey Associated Houses, Baltimore, Md." The articles in the 25-case lot were labeled: "Old Virginia Brand Pure Blackberry [or 'Pineapple', 'Peach', 'Strawberry', or 'Raspberry'] Preserves Old Virginia Packing Co., Inc. Front Royal, Va., U. S. A. 2 Lbs. Net Wt."

The peach, blackberry, and strawberry flavors were alleged to be adulterated in that water, added pectin, and added acid had been mixed and packed with the articles so as to reduce, lower, or injuriously affect their quality; in that water, added pectin, and added acid had been substituted in part for the articles; and in that water, added pectin, and added acid had been mixed with the articles in a manner whereby inferiority was concealed. The grape and damson flavors were alleged to be adulterated in that water and added pectin had been mixed and packed with the articles so as to reduce, lower, or injuriously affect their quality; in that water and added pectin had been substituted in part for the articles; and in that water and added pectin had been mixed with the articles in a manner whereby inferiority was concealed. The pineapple and raspberry flavors were alleged to be adulterated in that added acid had been mixed and packed with the articles so as to reduce, lower, or injuriously affect their quality; in that added acid had been substituted in part for the articles; and in that added acid had been mixed with the articles in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the statements, "Pure Pineapple [or 'Raspberry', 'Blackberry', 'Peach', or 'Strawberry'] Preserves 2 Lbs. Net Wt.", with respect to the 25-case lot and the statements, "Pure Preserves Grape [or 'Damson', 'Peach', 'Blackberry', or 'Strawberry'] Net Wt 1 Lb.", with respect to the 21-case lot were false and misleading and tended to deceive and mislead the purchaser when applied to products of the composition indicated and to packages containing less than the amount declared. All of the several articles were alleged to be further misbranded in that they were imitations of and were offered for sale under the distinctive names of other articles, and in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On March 5 and March 23, 1936, no claimant having appeared, decrees of condemnation were entered, and it was ordered that the products be destroyed.

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